

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

RARE BREED TRIGGERS, LLC,
a Florida Limited Liability Company,
and **ABC IP LLC**, a Delaware
Limited Liability Company,

Plaintiffs,

Case No. 1: 21-CV-149

**DECLARATION OF
LAWRENCE DEMONICO**

v.

**BIG DADDY ENTERPRISES,
INC.,** a Florida Corporation, d/b/a
BIG DADDY UNLIMITED, INC.,
**and WIDE OPEN ENTERPRISES,
LLC**, a New Mexico Limited
Liability Company d/b/a **WIDE
OPEN TRIGGERS**,

Defendants.

Lawrence DeMonico hereby declares as follows:

1. I am over eighteen years of age and reside in Austin, Texas.
2. I am the President of Rare Breed Triggers, LLC (“Rare Breed”).
3. Rare Breed is the sole authorized source of triggers covered by U.S. Patent No. 10,514,223 (“the ’223 Patent”).
4. The Rare Breed FRT-15™ trigger was first introduced in December 2020 and was—and is—unique in the marketplace. The uniqueness of this trigger created a new market that did not exist before.
5. The patented trigger allows the user to fire semiautomatically (one shot with each pull function of the trigger) more rapidly than with an ordinary AR-15 trigger. Generally, users find the rapid firing to be fun and entertaining while informally “plinking” targets at a shooting range.
6. The new product was the result of years of development, design, and testing to make a new trigger device that could be easily installed without special gunsmithing skills in the common AR-15 pattern firearm, the most common and popular firearm design in the United States.
7. Rare Breed produced a high quality product that meets high manufacturing standards and had been proven to withstand vigorous testing. Rare Breed’s investment is protected by the ’223 Patent, which was acquired for this business venture and represents the foundation of the product and the Plaintiffs’ (Rare

Breed and ABC IP, LLC) business model.

8. The FRT-15™ trigger is made in the USA. All materials, workmanship, packaging, and handling are U.S. sourced.

9. Unlike standard semiautomatic triggers or other firing-rate-enhancing devices, the Rare Breed trigger operates by the trigger being forcibly pushed into the reset position with the sear engaging the hammer each time the action cycles (i.e., each time a shot is fired). Another shot cannot be fired until the bolt returns to the in-battery position and the trigger is pulled again by the user.

10. Sales have been vigorous and the product has been well received by customers with few complaints.

11. The most common customer request has been for Rare Breed to produce the trigger to fit more types or models of firearms, evidencing strong future demand for the patented product.

12. Until recently when Rare Breed discovered the planned infringement, Big Daddy Unlimited, LLC (“BDU”) was the sole distributor for all sales of the Rare Breed FRT-15™ trigger other than sales direct from Rare Breed’s website. This included direct consumer sales and all distribution to brick and mortar or online retailers.

13. Soon after the December 2020 release of the Rare Breed FRT-15™ trigger, BDU was made its sole distributor for all sales other than direct from the Rare

Breed website.

14. BDU sold the FRT-15™ trigger directly to customers across the United States.

15. Because of this relationship, BDU had first access to the Rare Breed FRT-15™ trigger and, based on its experience distributing for Rare Breed, knowledge of its customer base, pricing points, popularity, and market enthusiasm.

16. Unbeknownst to Plaintiffs, by May 2021, Defendants were making plans to infringe by forming a New Mexico entity, Wide Open Enterprises, LLC (Wide Open").

17. In late August 2021, BDU announced and began promoting the upcoming release and presale of the infringing trigger.

18. This created a "buzz" in marketplace social media that required Rare Breed to respond to customers, bloggers, reviewers, and social media influencers (such as those on YouTube and similar media platforms).

19. Questions were raised about whether it was the same as the Rare Breed FRT-15™ trigger and whether Rare Breed has authorized BDU or Wide Open to make and sell this apparently identical trigger. The market expressed concern that the WOT Hard Reset Trigger looked cheap and whether Rare Breed had authorized this other product.

20. After first learning of Defendants' intent to launch the WOT Hard Reset

Trigger a few weeks ago, Rare Breed sought any publicly available information in an effort to determine exactly how the promoted trigger was designed and would operate.

21. Plaintiffs obtained a WOT Hard Reset Trigger on Friday, September 10, 2021, examined it immediately with its legal counsel, and determined for certain that it did violate the '223 Patent.

22. Rare Breed sells a single product—the FRT-15™ trigger that is covered by the '223 Patent. Likewise, Wide Open sells a single product (plus an extra warranty option).

23. Where BDU was once one a trusted custodian of the Rare Breed name throughout the market, it is now the face of Rare Breed's only direct competitor, Wide Open Triggers.

24. Rare Breed has already lost sales and is continuing to lose sales to BDU and Wide Open since the WOT Hard Reset Trigger was launched on September 7, 2021.

25. The WOT Hard Reset Trigger is sold at a lower price point than Rare Breed's FRT-15™ trigger. Defendants' (i.e., BDU and Wide Open) actions, if continued, will cause price erosion for Rare Breed's products.

26. Both companies are selling a single product. Rare Breed's higher price is commensurate with the quality of its product and customer services. However,

despite its higher quality product, Rare Breed is at risk of losing customers to Defendants because of Defendants' willingness to enter the market (riding Rare Breed's coattails) at reduced pricing. Absent an injunction, Rare Breed is likely to be forced to reduce its prices to level that Defendants are offering its product or risk losing its customers. Once Rare Breed lowers the price for its FRT-15™ trigger, it will be virtually impossible to recover that price drop down the road.

27. BDU engaged at least one celebrity to endorse the WOT Hard Reset Trigger. In a September 20, 2021, Instagram post, retired mixed martial arts fighter, television host, social media influencer, and current Army Green Beret Tim Kennedy posted a video endorsing the WOT Hard Reset Trigger. Mr. Kennedy has more than 1.1 million followers and, as shown in the screen capture below, the video was viewed more than 90,000 times in the first hour.

Instagram

Q. Search

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timkennedymma • Follow

...



timkennedymma I am not pumped about spending the next six hours installing, mounting, and dropping in a bunch of accessories into my rifles. I would rather be racing my son on our motorcycles or on the range actually shooting but this trigger is pretty awesome. The WOT is the world's first hard-reset trigger designed for AR-15 platforms chambered in .223/5.56.* Designed as a true "plug-and-play," drop-in replacement trigger, the @bigdaddyunlimited WOT is easily installed without the help of a professional gunsmith. Link in bio <https://www.bigdaddyunlimited.com/tim-kennedy-partner/>

1h

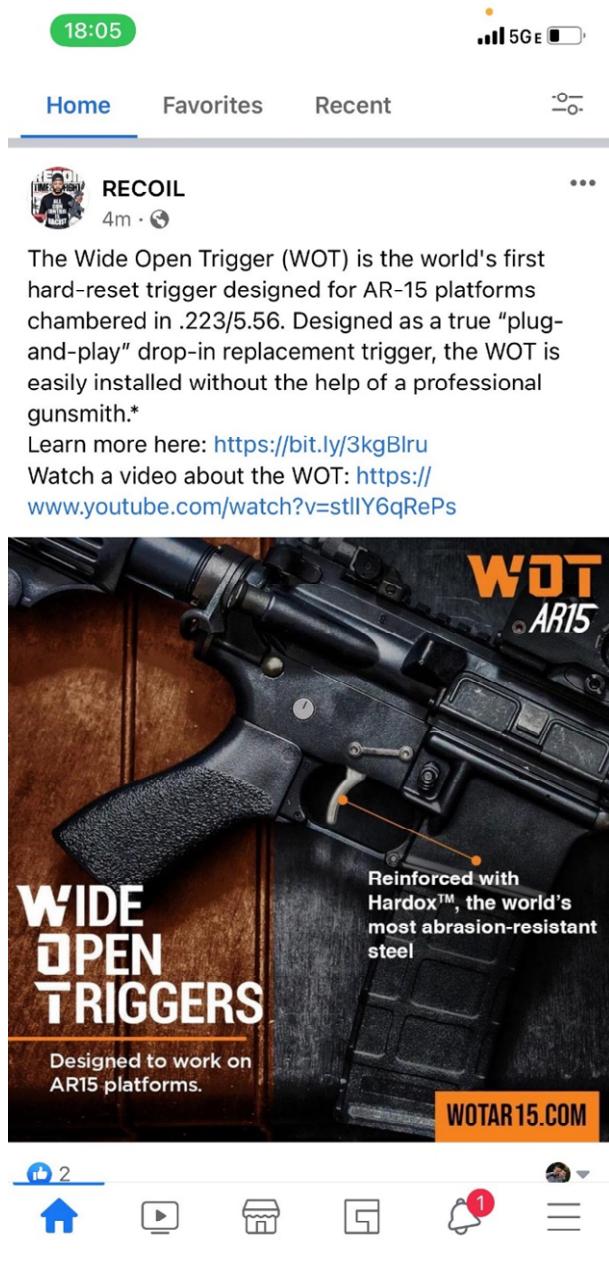


90,314 views

1 HOUR AGO

Log in to like or comment.

28. Below is a screen capture image (September 16, 2021, at 6:05 PM) of a Facebook post by Recoil magazine falsely promoting the WOT Hard Reset Trigger as "the world's first hard-reset trigger designed for the AR-15 platforms." This kind of false publicity is believed by consumers and causes irreparable harm to Rare Breed.



29. In addition to the WOT Hard Reset Trigger, Wide Open is offering customers a “No-BS Lifetime Warranty” for an additional \$25. Below is a screen capture image from the Wide Open website.



Home / WOT Hard Reset Trigger

MORE VIEWS



WOT HARD RESET TRIGGER



☆☆☆☆☆ 0 review(s)

Get Price Alerts

Introducing the WOT trigger, the first trigger in its class to be true drop in trigger designed for the AR15 platform. The WOT trigger is a hard reset trigger that has been engineered to last and endure constant use without failure.

	WOT Hard Reset Trigger	\$349.99
<input type="button" value="0"/> Qty		

	THE W.O.T. NO-BS LIFETIME WARRANTY	\$25.00
<input type="button" value="0"/> Qty		

ADD TO CART

30. Prior to the infringement, Rare Breed owned 100% of the U.S. market for forced rest triggers. Rare Breed has enjoyed the market exclusivity a patent is supposed to provide.

31. Rare Breed is not aware on any other infringers of the '223 Patent selling a product at this time.

32. Rare Breed's loss of customers will inevitably lead to its loss of market share in the forced reset trigger market.

33. However, Defendants' entry into the market as a direct competitor with a lower price point will inevitably cause Rare Breed to lose market share. Once Rare Breed loses market share, it will be nearly impossible to reclaim the lost share

because customers are likely to buy only one or the other product, not both. If customers buy the infringing trigger and receive a poor quality product and/or are unhappy with its performance, this damages the image of the unique market niche and irreparably harms Rare Breed.

34. Plaintiffs believe hundreds of the infringing WOT Hard Reset Trigger are being sold every day. The potential loss of tens of thousands of unit sales will result in millions of dollars in lost profits—profits lost but-for the Defendants' infringement.

Under penalties of perjury, I declare that the foregoing statements and facts stated herein are true.

Date: September 21, 2021

Respectfully submitted,



Lawrence DeMonico